

REMARKS

The Examiner rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Takao et al. (U.S. Patent No. 5,920,220) (hereinafter “Takao”) in view of the admitted prior art of the present application (hereinafter “the APA”); rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Takao in view of the APA and further in view of Touzni et al. (U.S. Patent No. 7,031,405) (hereinafter “Touzni”); objected to claims 4-7 and 11-14 as being dependent upon a rejected base claim.

Claims 2-7 and 9-14 are pending in the application.

Rejection of Claims 2 and 9 under 35 U.S.C. § 103(a)

The Examiner rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Takao in view of the APA. Applicant respectfully traverses for the following reason:

The Examiner has failed to establish a *prima facie* case of obviousness by failing to properly determine the scope and content of the prior art. Specifically, the Examiner writes:

“Takao et al. discloses an apparatus comprising: means for deriving . . . a symbol clock from the modulated signal (Fig. 24 element 5e and column 20 lines 21-61, where examiner considers the system clock as the symbol clock.);”

Applicant respectfully disagrees with the Examiner’s characterization of Takao. Referring to Figure 24, Takao’s system clock is not “derived from the modulated signal” (IF Signal Input) in any way. Rather, Takao’s system clock is generated by Takao’s system clock generator 6 (column 20, line 31), i.e., an *unrelated* signal source.

For this reason and all the other reasons set forth in Applicant’s previous response dated March 26, 2008, Applicant reiterates that no combination of the APA and Takao teaches or suggests Applicant’s claimed invention.

Thus, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Applicant requests that the rejection of claims 2 and 9 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 3 and 10 under 35 U.S.C. § 103(a)

The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Takao in view of the APA and further in view of Touzni.

Claims 3 and 10 are allowable because they depend from claims 2 and 9 respectively, both of which are allowable for the reasons discussed above. Furthermore, the addition of Touzni does not remedy any of the deficiencies of the Examiner's proposed combination regarding claims 2 and 9 discussed above.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, Applicant requests that the rejection of claims 3 and 10 under 35 U.S.C. § 103(a) be withdrawn.

Objection to Claims 4-7 and 11-14

The Examiner objected to claims 4-7 and 11-14 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Applicant submits that claims 4-7 and 11-14 are allowable in their present form because they depend from claims 2 and 9 respectively, both of which are in allowable for the reasons discussed above. Accordingly, Applicant requests that the objection to claims 4-7 and 11-14 be withdrawn.

Conclusion

In view of the foregoing remarks, allowance of claims 2-7 and 9-14 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,

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